

Appl. No. 10/759,629
Amdt. dated December 6, 2005
Reply to Office Action of October 5, 2005

REMARKS

Applicants have carefully reviewed the Office Action mailed October 5, 2005. Favorable reconsideration is respectfully requested in light of the following comments. Applicants thank the Examiner for the indication of allowability (if rewritten in independent form) of claims 2, 4, 5, 10-13, 18, 19, 22 and 25, but believe that all of the pending claims are, in fact, patentable.

Applicants respectfully traverse the Examiner's rejection of claims 1, 3, 6-7, 9, 15-16, 20 and 23-24 under 35 U.S.C. §103(a) as unpatentable over Onuma, U.S. Patent No. 5,945,906, in view of Kleefeldt et al., U.S. Patent No. 5,561,420. One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met. Applicants do not concede that the other requirements of a *prima facie* obviousness rejection, i.e., motivation to combine and reasonable expectation of success, have been met.

Independent claim 1 (and hence claims 2-14 depending therefrom) requires inclusion of a seal that seals the transponder. Independent claim 15 (and hence claims 16-25 depending therefrom) describe method steps of forming a pad and sealing a transponder with the material used to form the pad. Onuma does not disclose or describe such a seal. The Examiner has asserted that such a seal is present within the housing of the key disclosed by Onuma, but as noted, Onuma does not actually describe this element. Kleefeldt et al. do not display a seal that seals the transponder. Thus, this is a claimed element not shown by either reference, and for at least this reason the *prima facie* obviousness rejection is flawed and should be withdrawn.

Moreover, claims 1-14 require that the seal and the pad be formed from the same material. As neither reference describes the claimed seal, it is not possible for either reference, separately or in combination, to disclose forming the pad and the seal from the same material. The Examiner has suggested that Kleefeldt et al. disclose forming a transmitter and a transponder from the same material, but the cited portion of this reference (column 5, lines 4-26) do not actually disclose this. Moreover, a transmitter and a transponder is not the same as a pad and a seal. Again, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 8 and 21 under 35 U.S.C. §103(a) as unpatentable over Onuma, U.S. Patent No. 5,945,906, in view of Kleefeldt et al., U.S. Patent No. 5,561,420, and further in view of Behlke, U.S. Patent No. 5,604,493. Claims

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1 and 15, from which claims 8 and 21 depend, respectively, have been distinguished above as patentable over the Onuma and Kleefeldt et al. Claims 8 and 21 add further distinguishing features and are similarly patentable over Onuma and Kleefeldt et al. Behlke is not believed to correct the noted shortcomings of the other two references, and thus claims 8 and 21 are patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 14 and 17 under 35 U.S.C. §103(a) as unpatentable over Onuma, U.S. Patent No. 5,945,906, in view of Kleefeldt et al., U.S. Patent No. 5,561,420, and further in view of Miller, U.S. Patent No. 5,331,325. Claims 1 and 15, from which claims 14 and 17 depend, respectively, have been distinguished above as patentable over the Onuma and Kleefeldt et al. Claims 14 and 17 add further distinguishing features and are similarly patentable over Onuma and Kleefeldt et al. Miller is not believed to correct the noted shortcomings of the other two references, and thus claims 14 and 17 are patentable. Favorable reconsideration is respectfully requested.

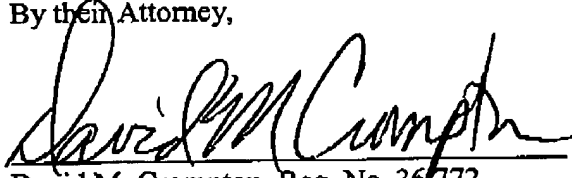
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Toshiharu Katagiri et al.

By their Attorney,

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